

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: : BANKRUPTCY NO. 09-13769(SR)
CHRISTOPHER J. FOLEY and :
ELIZABETH A. FOLEY : CHAPTER 13
Debtors :

**STIPULATION RESOLVING GMAC'S
MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

THIS MATTER having been brought before the Court on a Notice of Motion for Relief From the Automatic Stay Pursuant to 11 U.S.C. §362(d) by Lavin, O'Neil, Ricci, Cedrone & DiSipio, attorneys for GMAC and Carol B. McCullough, Esquire, attorney for debtors, Christopher J. Foley and Elizabeth A. Foley (collectively, the "Debtors"), having consented to the entry of the within Order, and for good cause shown;

AND NOW COMES GMAC, by and through their counsel, and state as follows:

CF (a) The debtor, Christopher J. Foley (the "Debtor") financed the purchase of a 2003 GMC Envoy, VIN: 1GKET16S636141589 (the "Vehicle") pursuant to the terms of a Retail Installment Sale Contract dated May 25, 2007 (the "Contract") which has been assigned to GMAC.

(b) Pursuant to the Contract, GMAC maintains a perfected security interest in and to: (a) the Vehicle; (b) accessories, equipment and replacement parts installed in the Vehicle; and (c) service contracts on the Vehicle.

(c) The Debtor desires to retain possession of the Vehicle and provide adequate protection for GMAC's interest in the Vehicle.

NOW THEREFORE, in consideration of the above, GMAC and the Debtor STIPULATE AND AGREE as follows:

1. As of and including the September 24, 2009 due payment, the Debtor's account is in post-petition arrears in the amount of \$1,255.02.

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2. The Debtor shall cure the post-petition arrears in the amount of \$1,255.02 over six (6) months by paying an additional payment of \$209.17 along with the regular monthly payment in the amount of \$418.34 for a total of \$627.51 beginning with the October 24, 2009 due payment and continuing through and including the March 24, 2010 due payment. Said payments shall be made payable to GMAC in certified funds or money order. Said payment shall be forwarded to: GMAC Payment Processing Center, P.O. Box 78252, Phoenix, AZ 85062-8252.

3. Debtor shall make the October 24, 2009 regular monthly payment and cure payment on time and all future payments in a timely manner. Said payments shall be forwarded to: GMAC Payment Processing Center, P.O. Box 78252, Phoenix, AZ 85062-8252.

CF 4. The Debtor hereby agrees to maintain insurance coverage in such types and amounts as are required by the Contract until such time as all amounts due GMAC under the Contract are paid in full.

5. Debtor shall resume making regular payments in the amount of \$418.34 commencing with the payment due April 24, 2010.

6. GMAC is awarded counsel fees in the amount of \$500.00 to cover the costs of filing the motion and attorney's fees. Counsel fees shall be made payable directly to Lavin, O'Neil in the amount of \$125.00 each for four (4) months with the 1st payment of \$125.00 being due on October 31, 2009, the 2nd payment of \$125.00 due on November 30, 2009, the 3rd payment of \$125.00 being due on December 31, 2009 and the 4th payment of \$125.00 being due on January 31, 2010. Please mail to Lavin, O'Neil, Ricci, Cedrone & DiSipio, 190 North Independence Mall West, Suite 500, 6th & Race Streets, Philadelphia, PA 19106, Attention: Laura Gallo, Esquire.

7. If Debtor fails to comply with any of the stipulated terms herein, or if Debtor fails to make payments within fifteen (15) days of due date, GMAC may be granted relief from the

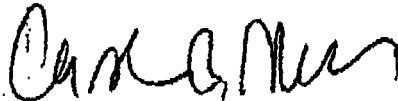
automatic stay with respect to the Vehicle upon filing a Certification of Counsel that Debtor is in default, together with a proposed Order to the Bankruptcy Court, and serving copies of the same upon the Trustee, Debtor and Debtor's counsel.

8. This Stipulation may be executed by facsimile and such facsimile signatures shall be deemed as originals.

9. The signature pages of this Stipulation may be executed in counterpart and all such signature pages, when attached, shall become part of the original Stipulation.

CONSENTED TO BY:

DATED: 10/9/2009



CAROL B. MCCULLOUGH, ESQUIRE
Attorney for the Debtors

CONSENTED TO BY:

DATED: 10/13/09



LAURA K. GALLO, ESQUIRE
Attorneys for GMAC

SO ORDERED:

ENTERED ON: 10/14/09



STEPHEN KASLAVICH
United States Bankruptcy Judge

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